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2. — *The Pope and the Council.* By JANUS. Authorized Translation from the German. London. 1869.

VIEWED as the production of a Roman Catholic, this book is one of the most remarkable events of the day ; and that the author or authors are Catholics we think admits of no question. The mere assertion of Catholicism made in the Preface may pass for what it is worth, either as a statement of the truth or as a cheap device for giving increased authority and intensity to the subsequent bitter assault upon the papacy ; but there are other internal evidences deserving of much more confidence. No one but a Catholic would have been likely to make the incidental allusion to the New Testament priesthood and the Eucharistic Sacrifice (p. 370), or to the infallibility of the Church universal (p. 411). Popular report attributes the work to Dr. Döllinger of Munich, and in this we feel reasonably certain that popular report is not far wrong. There are probably but few men in Europe besides himself who have at command the vast range of special erudition requisite for the preparation of such a work, which shows an easy familiarity with all the sources of church history in its minutest details. Then the care with which are pointed out (pp. 92, 97, 106) certain differences between the assertions of the present book and those expressed in his acknowledged works has, to say the least, an exceedingly suspicious look. Döllinger, moreover, is known to entertain convictions on the relations between Church and State diametrically opposed to the orthodox creed as expounded by the Roman curia and set forth in the Syllabus ; and when we compare his recent manifesto on the declaration of infallibility with the arguments of "Janus," we find an identity of reasoning which leaves little doubt as to the personality lurking behind the pseudonyme.

That the book should be published anonymously is no wonder. The arm of the Pope is long, and the Christian pontiffs have not been noted in history for the forgiving temper with which they receive assaults. No more damaging assault, indeed, has been made upon the papal system and the Roman curia since the days of the Reformation, by Lutheran, Calvinist, or infidel. With an array of proof that is practically limitless and absolutely incontrovertible, the author strips the papacy of all its pretensions to authority over the Church, shows how its power was founded on forgery and consolidated by fraud ; and gives, from orthodox writers of every age, ample evidence of the evil which the spiritual autocracy thus conceived in sin has wrought for the Church and for the world. From the commencement of papal ascend-

ency, in the ninth century, under Nicholas I., to the present day, he will not admit one redeeming feature in the system, but with relentless zeal he piles one citation on another, until the reader is almost ready to admit that if any human institution has been purely iniquitous and an unmitigated curse to mankind, it is the theocracy of Rome.

The book, indeed, would have been far stronger and weightier had it been less ardently controversial. The same stores of learning set forth with cool impartiality, and tempered with admissions of the benefits which unquestionably flowed from the ecclesiastical organization during the Dark Ages, would have carried conviction to many minds which now will reject them with horror. The case against the papacy is strong enough, without sketching it in unrelieved blackness. The man who hesitates between the assiduous teachings of a lifetime and growing doubts as to the sanctity of so venerable an institution as the primacy of St. Peter, is more likely to be thrust back than to be persuaded by the ardor of such passages as these: "It seemed like a Nemesis that the Popes, who since Gregory VII.'s time were so ingenious in inventing oaths to entangle men's consciences and bring everything under their own power, now themselves took oaths which they regularly broke. On the other hand, it is a riddle how the very cardinals who elected a Sixtus IV., an Innocent VII., and an Alexander VI., one after the other, and thereby broke their own oaths, could suppose a Pope would be really withheld, by swearing to certain conditions at his election, from the seductions of absolute power." (p. 211.) "It was the same everywhere; it seemed as though, through the state of things gradually brought about, and the dominant system in Rome, a new art had been discovered among men, of making corruption and vice omnipresent, and diffusing it like some subtle poison, from one centre and workshop, throughout every pore of the vast organization of the Church." (p. 341.) "Rome thus became the great school of iniquity, where a large part of the German and Italian clergy went through their apprenticeship as place-hunters, and returned home loaded with benefices and sins, as also with absolutions and indulgences." (p. 345.) These passages show the spirit of the work, and as they are unredeemed by any countervailing admissions, though they may gratify the avowed opponents of Rome, conscientious inquirers will be led to distrust, where they might by a calmer and more judicial method have been led ultimately to conviction.

This controversial ardor occasionally leads the author to do injustice to the object of his wrath, as where he assumes (pp. 235-237) that it was through the influence of the papal system subsequent to Gratian, in the latter half of the twelfth century, that the practice of burning

for heresy was introduced. More than a century previous, King Robert the Pious had burned heretics at Orleans and Toulouse; in 1052 the Emperor Henry the Black had executed them at Goslar; and in 1146, while certain heretics were on trial at Cologne, they were forcibly taken from the hands of the officials and consigned to the stake by the mob. That the Church was indirectly responsible for all this there can be no doubt, but the inferences which "Janus" draws from the history of persecution are not perfectly true. So in respect to the project of reformation put forth under the orders of Paul III., in 1538, by a commission at the head of which was Cardinal Caraffa, our author repeats the story which has been so often told with delight by Protestant writers, that when Caraffa became Pope, under the name of Paul IV., he put his own work into the Index. (p. 233.) The truth is that the report of the commission was so bold and outspoken an avowal of the sins of the Church, that Luther immediately translated it, and it was circulated vigorously by the reformers, accompanied with notes and elucidations that were in the highest degree distasteful to the court of Rome, so that Caraffa prohibited it "*cum notis vel præfationibus hæreticorum.*" The "heroism" which "Janus" sarcastically attributes to him for thus condemning his own work is therefore not wholly deserved.

The book has evidently been put together in much haste, to meet an approaching exigency, and thus it presents an occasional flaw which would not have escaped so acute an eye as the author undoubtedly possesses, had he enjoyed the opportunity of leisurely revision. Thus, (p. 81) he says that the Bishops of Rome in primitive times could exclude no one from the communion of the Church universal. If he had stated that the Roman bishops enjoyed no pre-eminent prerogative in this respect, he would have been correct; but the fact is that they enjoyed, in theory at least, the power to separate offenders from the whole Church, — a power likewise exercised by every bishop. In principle, no one who had been excommunicated by one bishop could be received in communion by any other, and this rule, though often violated, was always proclaimed as in force. More extraordinary is the assertion that the segregation of the excommunicated from intercourse with the faithful was first suggested in the Isidorian forgeries, and was not enforced until the time of Gregory VII. (p. 120), since such segregation was enjoined by the earliest codes of discipline that have come down to us, was practised in the Church at the time, and was vigorously enforced by Charlemagne. He seems (pp. 162, 254) to assume that the application of the text of St. Paul, "the spiritual man judges all things," as giving an indefinite jurisdiction to the Church, was reserved for Boniface VIII.

in his bull "Unam Sanctam" in 1303, when it was already used for that purpose in the ninth century, in the additions to the Carolingian Capitularies. So in alluding to the fifth Lateran Council, in 1516, he gives the reader to understand that then for the first time was asserted and enforced the freedom of the clergy from secular jurisdiction, though clerical immunity had been claimed and enjoyed, with more or less interruption, for nearly a thousand years. Somewhat incomprehensible is the assertion (p. 206) that the Hildebrandine school of canonists, Anselm of Lucca, Gregory of Pavia, etc., "were thereby laying the axe to the root of the Roman Primacy," when no proof or explanation of the statement is advanced, and elsewhere (pp. 101–146) it is shown, by an elaborate and exceedingly interesting investigation of their collections of canons, that the forgeries they invented, or indorsed and wrought into shape, were the most powerful aids to the establishment of the papal supremacy.

These are but trivial evidences of haste, however, and are of little moment; but the argument of the book is fatally defective. The Roman system has been too cunningly built up to be overthrown by mere evidences of its aberrations and of the evils which have been inseparable from its practical working. It is the logical deduction from premises, and those premises "Janus" admits in his Preface: "Every faithful Catholic is convinced—and to that conviction the authors of this book profess their adherence—that the primacy rests on divine appointment. The Church from the first was founded upon it, and the Lord of the Church ordained its type in the person of Peter. . . . The ancient Church found the need of a centre of unity, of a bishop possessed of primatial authority, to whom the oppressed might turn, and by whose powerful intercession they might obtain justice." (pp. xxi, xxii.) Admitting this, everything is admitted, even the infallibility claimed by Pius IX. in his Encyclical "Qui Pluribus" of November 9, 1846: "God himself has established a living authority to fix and teach the true and legitimate sense of his divine revelation, and by his infallible judgment to put an end to all controversies, whether on faith or morals. . . . This living and infallible authority is only to be found in force in that Church which Christ built on Peter, the chief, the prince, and the shepherd of the whole Church, to whom he promised that his faith should never fail,—the Church so constituted that she always has at her head and in her immovable throne her legitimate pontiffs, who, ascending by uninterrupted succession to the Apostle Peter, enjoy with him the same heritage of dignity, of honor, and of power, without a rival."

It is needless to say that the whole tenor of the book is directed to proving that all these claims are baseless, but the admission once made

that the primitive Church was founded on the see of St. Peter, which had by Divine appointment a tangible primacy of power and enjoyed supreme jurisdiction, is fatal to the whole argument. It may be a curious speculation to trace, as the author has done, how the papal autocracy was gradually evolved; how it broke down the autonomy of the episcopate, and swallowed up in its own *mare magnum* all rights, privileges, and prerogatives; how one forgery after another, fabrications, falsifications, and interpretations, were invented to support its pretensions, from the pretended excommunication of Arcadius by Innocent I. down to the mutilation and alteration of the breviary, in the seventeenth century, — all this is highly interesting, but it is a mere archaeological investigation. If St. Peter was set over the Church by Divine appointment, and as the prototype of his successors, whose primatial authority was a refuge for the oppressed throughout the Church, the Pope is empowered to speak in the name of God, and the development of his prerogative into autocracy is merely a question of time, dependent on human ambition and unscrupulousness. "Janus," therefore, has deprived himself of the right to say (p. 182), "It is a psychological marvel how this unnatural theory of a priestly domination, embracing the whole world, controlling and subjugating the whole of life, could ever have become established." Such a domination was the natural result of what he calls the "New Testament priesthood," gifted with supernatural powers through the Eucharist, and subjected to a primate clothed with Divine authority. Once grant the power of the keys and papal representation of St. Peter, and the psychological marvel disappears.

This vital error leads the author into others, which, though not of equal moment, are yet important. Conceding the primitive papal domination, it becomes necessary for him to assume that it once existed within a church such as he regards as the ideal, and thus he is led to attribute the organization of its forces to a much later period than really was the case. In truth, the hardening process which led the Church to exercise absolute domination over its members took place at a very early period, much earlier than most ecclesiastical historians seem willing to admit; and thus it was fully prepared to avail itself of the opportunities afforded by the anarchy of the ninth, tenth, and eleventh centuries, for the extension of its control over the souls of men until it controlled their bodies and their substance likewise. Another error, indirectly arising from the same source, is the effort to show that the papal system alone was responsible for the evils of the Church. There was constant action and reaction; and it should not be forgotten, as "Janus" apparently does, that the Pseudo-Isidore, the great fundamental

forgery, to which the papacy owed everything, was fabricated in France, independently of papal suggestion, and was tendered to the Roman pontiff by ambitious Gallican prelates. Stern and self-denying virtue might have refused the splendid gift, if critics had been at hand to demonstrate its spuriousness; but in that age, when all the relations between Church and State and people were shifting and unsettled, it would have been asking too much of Gregory IV. or Nicholas I. to expect them to reject the proffered domination over the earth.

Yet, with these and some other drawbacks, the book is a most valuable and timely one. We do not know where else the student could look for a rapid and yet minute and searching account of the various forgeries which form so important and so curious a portion of the history of the Latin Church. Our author traces them pitilessly from their active commencement in the fourth and fifth centuries to the donation of Constantine; then through the Isidorian decretals, the fresh falsehoods of the decretalists from Anselm of Lucca to Gratian, the fabrications of passages from the Greek fathers on which St. Thomas Aquinas erected his structure of papal autocracy, the falsifications of the papal historians, the unscrupulousness of the commentators on the canon law, and all the other mystifications which have rendered orthodox Church history and jurisprudence a mass of fraud and deceit for which a parallel may vainly be sought. If "Janus" had rendered no other service, he would have earned the thanks of all students for thus compressing the results of wide and various study into a concise and intelligible form.

The book is so good a book that it deserved a better translator. His style is slovenly and sloppy to the last degree. He calls "penitentials" "penitentiaries"; he speaks of "home-baked arguments," and talks of a doctrine being "received by pretty well the whole order." It would be difficult, indeed, to conceive of a more faulty and hopelessly confused arrangement of sentences than that in which he sometimes indulges himself. "In their interest, and to satisfy their wants, the order of the Church had to be disintegrated, heaping incompatible offices on one person to be allowed, and the system of increasing the revenues of the *curia* by simony to be constantly extended. It was they who lived and battered on the grasping corruption of the Church." (p. 212.)

It would be an error to anticipate great and immediate results from the dissidence of men even so eminent as Dr. Döllinger and Père Hyacinthe. The Council will probably obey the mandates of the head of the Church, adopt the Syllabus as sound doctrine, and proclaim papal infallibility in a form slightly modified to satisfy recalcitrants, but yet

sufficiently distinct to allow the casuists of the curia to draw from it all the deductions they desire. That there is a large portion of the intellectual members of the Church who will be disgusted with such results there is no doubt, and they will be driven into schism more or less open. But the Church can do without them; in fact, the ruling clique would rather have them for avowed enemies than professed friends. The organization of the Church is as strong as, perhaps stronger than, ever, and the cohesive power of such an organization is incalculable. We see political parties in our own country so thoroughly under control that thousands of their numbers constantly vote for men whom they despise and measures which they detest. If this can be the case in an enlightened community, where every man is as free as air to follow his judgment or his caprices, how infinitely stronger must be the allegiance which binds the faithful to the Church, and how impregnable the organization which has been moulded by the craft and skill of ages. Every ecclesiastic is bound to his immediate superior by ties which none but the strongest can break; all work for a common end under perfect military discipline; and the mass of vested interests which have grown up around them renders every man the personal foe of any rebellious spirit.

The Church lived through the Reformation, — not only lived, but perfected and strengthened its organization; and it is to-day stronger and more hopeful than it has been since the assembling of the Council of Trent. So powerful, indeed, is its constitution, that the revolt of the half of Europe would not have even brought about a purification of its internal corruptions, had not a large portion of its temporal possessions been successively wrenched away, and thus limited the wealth which had been its curse. As it has been, so it will be. The Council, under the reckless lead of the Jesuits, may commit absurdities which will drive from the Church its most enlightened members and embroil the hierarchy with half the monarchs of Europe, but for all that the infallibility of the Pope, if decreed by the Council, will be accepted by a hundred and ninety millions of Catholics.

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3. — *Library of Old Authors. Remains of the Early Popular Poetry of England: collected and edited, with Illustrations and Notes.*
By W. CAREW HAZLITT, of the Inner Temple, Barrister at Law.
London: John Russell Smith. 4 vols. 1864–1866.

TIME brings to obscure authors an odd kind of reparation, an immortality, not of love and interest and admiration, but of curiosity merely.